

BOARD OF SELECTMEN
MINUTES
OCTOBER 30, 2006

Pursuant to notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held at 7:30 p.m. in the Selectmen's Room.

Present were Virginia McIntyre, Chair; Anne D. Shapiro; Margaret B. Briggs; Gregory P. Howes; and Philip Benincasa, Clerk. Also present was Christopher Whelan, Town Manager.

CONSENT AGENDA:

- Town Accountant's Warrants

On a motion duly made and seconded, it was unanimously:

VOTED: To approve the consent agenda.

TOWN MANAGER'S REPORT:

1. Rich Reine, who was recently appointed Public Works Director, will begin work on November 6th. Mr. Whelan expressed the Town's gratitude to Alan Cathcart for filling the role as Acting Director. Under his leadership the Town has readied and trained for winter.
2. The Town experienced a power-outage from the recent storm that left the Seven Star Lane-ORNAC neighborhood without power for up to 2 hours.
3. Route 62 is at the 25% design stage. This road construction project, from the Damon Mill to the Acton town line, is programmed for the 2008 TIP. However, if another town that is programmed for 2007 misses their opportunity, Concord hopes to slip into that cycle. In the meantime, CPW has done some patching to provide a smoother ride. Mr. Whelan stated that the Town would not go forward in 2007 without TIP funds, but might go ahead if there is no guarantee for 2008. The Town applied for and received TIP funds for the Route 62 construction in West Concord, but this was declined when the state required substantial widening of the road. Board members suggested coordinating with Bedford Selectman Gordon Feltman who sits on the MPO and could assist the Town to a successful conclusion.
4. The permanent patch on Cambridge Turnpike has been installed.
5. Planning Director Marcia Rasmussen reports that the Town has received an EOE Smart Growth grant for \$29,835. The funds will be used to provide professional assistance for the Village Overlay Districts planning.
6. Jonathan Harris will brief the Board of the citizen survey of resident satisfaction with Town services once the focus groups are complete. Volunteers are needed for the focus groups, which will meet for an hour or two at the Town House during the day.
7. The Playing Fields proposal was presented to the Community Preservation Committee, which urged the proposers to go before the Planning Board for site plan approval so that hours of operation, size, and other regulatory issues are determined by the time of the Town Meeting hearings. The Planning Board will consider proposal regarding the high school fields on November 28th. The Community Preservation Committee public hearing on 2007 funding applications is November 21st.
8. The Natural Resources Commission and Gordon Bell have asked to appear before the Board at the meeting of November 6th to discuss a Conservation Restriction on land near Squaw Sachem Road. Documents have been provided for the Board to review. Nashoba Brooks School is purchasing three parcels of land on Strawberry Hill Road for use as playing fields. One parcel is in 61A which means the Board must consider whether it will exercise its first right of refusal at the purchase and sale price.
9. The Board must decide when and which quadrant of the Town that it will perambulate. The Town Manager is arranging for staff assistance. The land on the Acton border recently purchased for water protection was suggested as a likely possibility.

LIAISON REPORTS

Consent Agenda

Town Manager's
Report

Liaison Reports

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Mr. Howes reported that he has been pursuing neighborhood concerns regarding Warner Pond. He stated that local residents with biology and ecology backgrounds have agreed to work with him to search for grant funding outside the Town budget. The Board recommended that Mr. Howes broaden the discussion to include the various stakeholders.

Regarding the Strawberry Hill Road land, Mr. Howes reported that he has scheduled a meeting between the developer and the neighbors on November 8.

Mr. Benincasa reported that the Agriculture Committee had a very successful meeting attended by 35-40 people involved in some aspect of farming. Simple, practical solutions to assist farmers were suggested. The Committee will make a report to the Board on November 6th.

Ms. Shapiro reported that HATS is examining the enabling legislation that established the organization. It originated as a vehicle to consider regional transportation issues. HATS is making regional transportation an ongoing topic of discussion. MassPort reported that it will update its airport layout design. It will ask for public input, but does not anticipate Public Hearings.

Ms. McIntyre reported that the School Committee is seeking Board input on the educational specifications of the Willard School. She will circulate the specs for Alcott and Thoreau as background before scheduling discussion. Issues of consideration will be auditorium, gymnasium, and cafeteria size that affect state reimbursement if larger than needed for the designed school population, but are designed for community use.

CORRESPONDENCE

Mr. Howes noted that he has learned about state workshops on Open Meeting Law and use of e-mail. He asked whether Concord could arrange something similar. The Town Manager agreed to ask the Town Clerk to arrange a workshop for all volunteer committee members on Open Meeting, Conflict of Interest, and appropriate use of electronic mail.

Regarding a recent letter complaining about traffic exiting Starbucks, the Board asked whether this sort of issue was considered during renewal of licenses. The Town Manager stated that staff reviews compliance questions during this period. He urged Board members with concerns about particular establishments to bring them to the notice of the Administrative Assistant who will refer them to proper staff.

COMMON VICTUALLER LICENSE DUNKIN DONUTS

Michael Costa, owner of the Dunkin Donuts at 1643 Sudbury Road, was present with his partner to seek approval of a Common Victualler License for his establishment. He stated that the restaurant has been open since October 2005, but that inadvertently he did not seek a license when he successfully completed the septic, parking, Planning Board, Board of Appeals and Building Commissioner process. Mr. Costa stated that he also owns the Dunkin' Donuts restaurant on Thoreau St.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to grant the issuance of a Common Victualler License for a seating capacity of 24 to MDM Management Group LLC d/b/a Dunkin' Donuts at 1643 Sudbury Road in conformity with the Statutes and ordinances relating thereto.

FY08 BUDGET UPDATE

Mr. Whelan stated that the Finance Director has provided the Guideline Sub-Committee - approved summary of what proposed non-override operating budgets for Town and School departments would look like. For the Town, the Guideline will provide \$592,000 in new spending within the levy limit, a 3.8% increase.

Correspondence

Common Victualler

FY08 Budget Update

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Mr. Whelan noted that his estimate of the cost of providing a salary adjustment is \$600,000, which would consume new spending capacity. His proposed salary adjustment is a 3% cost of living increase and a 2.5% step increase for those employees not at the top of their salary range. He is also considering 2.75% and 2.75%. About half of Town employees are not at the top of their salary range. The \$600,000 also includes funding for any necessary pay adjustments resulting from a non-union pay and classification study to be done by a consultant. The results will be available next summer.

Mr. Whelan will meet with the Guideline Sub-Committee on November 2nd to respond to the preliminary Guideline. He believes that there is \$200,000 worth of additional critical needs. Those expenditures would include mosquito control and the seasonal rangers that were partly funded through gifts in FY07. Some of the additional needs could be met through the Reserve Fund.

There was discussion of the annual salary adjustments. Mr. Whelan stated that Managerial and Professional employee adjustment was based on performance, but that Administrative, Clerical, Library and Laborer compensation plans receive the increase across the board. All salary adjustments fit within the \$600,000 Salary Reserve.

There was discussion regarding the labor market study. The Board questioned how it was determined that there was a problem to be remedied. There was the perception that such studies cause a spiraling upward of salaries as peer towns respond to each increase with one of their own to better retain their employees. The Board asked whether this is likely to occur as an affect of the study. The Town Manager estimates that approximately \$50,000 of adjustments will be identified, and the specific areas where the Town might have fallen behind are technology and financial positions.

It was noted that this study sounds like the function of the Personnel department. Board members were interested in the criteria of the RFP and what the consultant will do for the Town. The Town Manager was asked to provide more specifics by job classification.

Mr. Whelan stated that the study was not a requirement, but that it was an effort to attract and retain talented staff. The information, including job descriptions and classification schedule, will be public. It was noted that the Town has hired an experienced Public Works Director, Natural Resources Director, Fire Chief, and Town Accountant within the current salary structure; the study could show that the Town is doing very well with its compensation.

The Town Manager will ask the Human Resources Administrator to make a presentation to the Board on this subject in two weeks. He also agreed to provide the study done six years ago, the problems identified, and the corrections that were made as a result.

The Board supported the Town Manager's intent to seek funds for mosquito control, emergency planning, and invasive species control (if it is not covered by grants). The Board recognized that the biggest issue will be salaries and the entire compensation package. Mr. Whelan stated that health insurance and retirement costs are included in the joint and unclassified costs, but not the additional costs of increasing an individual from part to full time. Concord pays a lesser share of healthcare benefits than neighboring towns.

Mr. Howes noted that compensation costs will increase in addition to salary increases.

The consensus of the Board was to encourage Mr. Whelan to continue preparing the budget as carefully as possible, recognizing that salaries will consume most of the resources. Ms. McIntyre suggested adding \$200,000 to the salary line and reducing other demands or seeking gifts to offset costs such as rangers.

STRATEGIES FOR SOLICITING GIFTS FROM MAJOR TAX-EXEMPT INSTITUTIONS

Strategies for
soliciting gifts

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Ms. McIntyre stated that the Board wants to increase the contributions of major nonprofit institutions to the Town budget, particularly to offset the demands that those institutions make on Town services. The Board recognized that each institution is unique and impacts the Town differently. Ms. McIntyre had contacted some peer towns to learn from their experiences with boarding schools and colleges. Ms. McIntyre circulated a spreadsheet from Deerfield that has long-term relationships with four non-profits and an annual process to identify needs and scaled responses.

Ms. McIntyre noted that in 2003, the Board had convened a meeting of all non-profits to make the case for greater participation in Town financial commitments, and was disheartened when they responded with a universal rebuff. The Board proposed that a small group of Town Officials would meet with each non-profit, acknowledge the contributions of the institution to the Town, identify the burden the institution places on Town services as well as the initiatives that need to be funded, and seek a voluntary contribution based on an understanding of each others needs.

While contributions to local agencies such as the education fund, senior tax relief fund, or the Community Chest were considered valuable contributions to the Town, it was hoped that contributions would be made to the Town budget to offset pressure on the property tax. At this stage of the process, the Town cannot depend upon responses to offset the costs of the new fiscal year as the non-profits are engaged in budget building themselves. This would be a first step in relationship building.

The Board Chair suggested considering moving forward with a legislative option or a consortium of similarly placed towns, if the local approach is unsuccessful. Ms. McIntyre suggested that was important to check the legal framework of these discussions. In addition, there is the option of seeing relief from the non-tax-exempt activities of the institutions, such as summer camps, music lessons, and school stores.

REVIEW APP #10

The Board reviewed APP #10 regarding committee appointments. It was clear that Concord has had a long history of developing a pool of persons interested in serving, appointing the best qualified person to serve and limiting service to two full three-year terms except where the term is defined as one five year term. Ms. Briggs suggested that the alternative to disregarding the policy is to modify the Record and Archives Committee Charge.

In addition, the Board suggested asking the Records and Archives Committee to meet to better understand why it should modify the Committee term for longer duration. If it makes sense, the Board could amend the charge after a period of public input. However, the discussion may increase the number of volunteers interested. The Board could also create associate members for the Record and Archives Committee.

MISCELLANEOUS:

1. Mr. Howes noted that after the Tourism Committee report, he has had several telephone calls from Tourism Committee members with complaints and concerns. In his opinion, the Board may need to revisit the recommendations of the Committee. He is referring the discontent to the Chair and the Committee Liaison for resolution.
2. Ms. Shapiro noted that she needs to inform the Ed Fund committee of the Board Team for the Spelling Bee on November 18th. Ms. Shapiro, Ms. McIntyre, and Mr. Benincasa will attend.
3. The Flag Retirement Ceremony will occur at 8AM on November 11th at Sleepy Hollow Cemetery. Town residents can bring their flags to be retired to either post office or fire station or to the Town House.

APP #10

Miscellaneous

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COMMITTEE NOMINATIONS:

Committee
Nomination

Ms. Briggs nominated the following to the Concord Economic Council:
Mary B. Johnson of 100 Keyes Road term to expire May 31, 2008
Renee Garrelick of 46 Kenney Lane term to expire May 31, 2008
William F. Kussin of 22 Concord Greene # 4 term to expire May 31, 2009
Christine Shuster of Emerson Hospital term to expire May 31, 2009
Glenn D. Burlamachi of 43 Thoreau St. term to expire May 31, 2010
Ian Gillespie of 222 Walden St. term to expire May 31, 2010

In addition, Ms. Briggs nominated Business Partnership representative: James DiGiovanni of 179 Prairie St. and Chamber of Commerce representative: Stephanie Stillman for terms to be identified by those agencies.

COMMITTEE APPOINTMENTS:

Committee
Appointment

On a motion duly made and seconded, it was unanimously:

VOTED: To appoint Sarah L. Myers, of 667 Old Bedford Road to the Historic Districts Commission, term to expire May 31, 2011.

On a motion duly made and seconded, it was:

VOTED: To adjourn the Open Session and conclude business for the evening at 9:05PM.

Anne D. Shapiro	Aye
Virginia McIntyre	Aye
Philip H. Benincasa	Aye
Gregory P. Howes	Aye
Margaret B. Briggs	Aye

Respectfully submitted,

Philip H. Benincasa, Clerk